

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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LDT
4-26-04

In Re Patent Application of:

Inventor(s): Hughes, et al.

Filed: 4/20/2001

Serial No.: 09/838,983

Confirmation No.: 1235

Art Unit: 2152

Examiner:

Docket Number: SNY-P4339

Title: Super Distribution of Music Samples Using Email

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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Technology Center 2100

INFORMATION DISCLOSURE STATEMENT

Sir:

The undersigned submits herewith patents, publications or other information (enclosed herewith and/or listed on the enclosed list of references form) of which he is aware, which he believes is relevant and may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR §1.56. The order of listing of the references on the attached form and any appendix hereto is without regard for relative relevance to the present invention.

This Information Disclosure Statement is submitted:

☒ Under 37 CFR §1.97(b).

(Within three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)

☐ Under 37 CFR §1.97(c).

☐ Below is a statement under 37 CFR §1.97(e), or

☐ An IDS submission fee under 37 CFR §1.17(p).

(After the CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first. Either a statement under 37 CFR 1.97(e) or an IDS submission fee is required.)

☐ Under 37 CFR §1.97(d).

☐ Below is a statement under 37 CFR §1.97(e), and

☐ Applicant(s) hereby petitions under 37 CFR §1.97(d)(2) for consideration of this Information Disclosure Statement, and

☐ A petition fee set forth in 37 CFR §1.17(i) is paid as indicated below.

(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

The undersigned hereby certifies under 37 CFR §1.97(e) that:

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, not more than three months prior to the filing of the statement, or
- ☐ No item of information contained in the Information Disclosure Statement -- was cited in a communication from a foreign patent office in a counterpart foreign application, and -- to the knowledge of the undersigned, after making reasonable inquiry, was known to an individual designated in 37 CFR §1.56 (c) more than three months prior to the filing of the Information Disclosure Statement.

A concise explanation of relevance of the items listed on the attached form:

- ☐ Is not required for English language references.
- ☐ Additional information is provided in an appendix to this communication.
- ☐ Appears in the body of the application.
- ☐ Is given for non-English language listed item(s) [Required] and appears in an appendix to this communication.
- ☐ Is in the form of an English language copy of a Search Report (copy attached) from a foreign patent office, issued in a counterpart application which refers to the relevant portions of the references.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, this statement does not constitute an admission that any patent, publication or other information referred to therein is "prior art" or "material" to this invention or any application for patent for this invention.

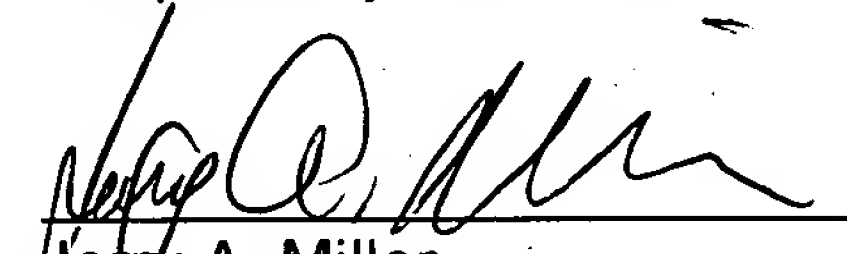
In accordance with 37 CFR §1.97, the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that other information that may be material as defined in 37 CFR §1.56 exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR §1.97 and §1.98 and MPEP §609. The Examiner is requested to fully consider each of these references and acknowledge such consideration by appropriately initialing the attached form and returning a copy to the address below. In addition, the Examiner is requested to conduct a thorough independent search in order to bring the best references available forward in this application.

The fee required for this Information Disclosure Statement is calculated below:

Fee under 37 CFR §1.17(p)	(\$180)	\$ 0.00
Fee under 37 CFR §1.17(i)	(\$130)	\$
TOTAL		\$ 0.00

- ☐ A check for the above fees is enclosed.
- ☐ Please the above fees to my credit card. See the enclosed credit card charge authorization form.
- ☒ The commissioner is hereby authorized to charge any additional fees which may be required for this submission, or credit any overpayment to my Deposit Account No. 50-1267.

Respectfully submitted,


Jerry A. Miller
Registration No. 30,779

Please Send Correspondence to:

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Miller Patent Services
2500 Dockery Lane
Raleigh, NC 27606
Phone: (919)-816-9981
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Dated: 4/12/2004

CERTIFICATE OF MAILING

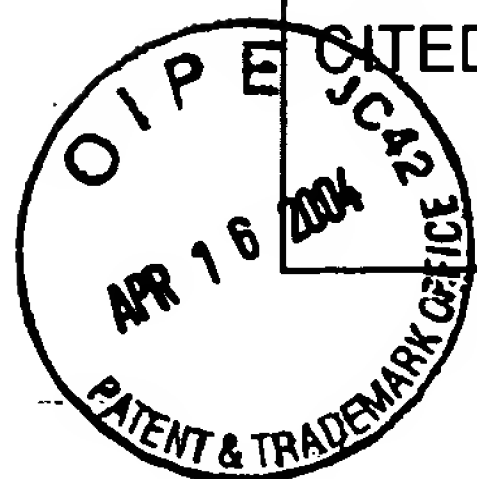
I hereby certify that this Information Disclosure Statement including associated List of References, Copies of references and fee (if required) is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: 4/13/2004

Jerry A. Miller

Typed or printed name of person signing certificate


Signature

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LIST OF REFERENCES CITED BY APPLICANT(S)	Application No.: 09/838,983	Sheet 2 of 2
	Docket No.: SNY-P4339	Group: 2152
	Filed: 4/20/2001	Conf. No.: 1235
	Applicant: Hughes, et al.	

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Exam. Init.	Document Number	Issue/Pub. Date	Name	Class	Filing Date
	6,233,682	4/15/2001	Fritsch		1/18/2000
	6,075,862	6/13/2000	Yoshida et al.		7/30/1996
	5,918,213	6/29/1999	Bernard et al.		12/22/1995
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	5,889,860	3/30/1999	Eller et al.		11/8/1996
	5,103,392	4/7/1992	Mori		12/5/1990

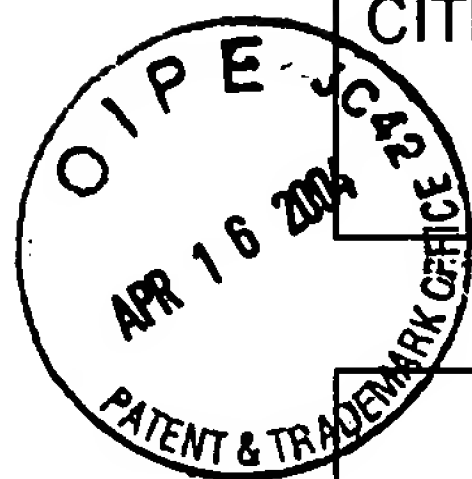
Examiner:	Date:
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LIST OF REFERENCES CITED BY APPLICANT(S)	Application No.: 09/838,983	Sheet 1 of 2
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Exam. Init.	Document Number	Issue/Pub. Date	Name	Class	Filing Date
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Exam. Init.	Document Number	Date	Country	Class	Translation

OTHER DOCUMENTS / CITATIONS

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	Williams, Stephen, "Digital Management Via IBM / Software would thwart free online distribution", Newsday, p. A49, Long Island, NY, 1/26/2001. [full text] ProQuest [online] [retrieved 9/12/2002].
	Stewart, Darin. "Flow Control", Intelligent Enterprise; vol. 5, Issue 4, pp 34-39; San Mateo, CA 2/21/2002 [full text] ProQuest [online] [retrieved 9/12/2002].
	Fitzpatrick, Eileen "Can Napster, labels work together?" Billboard; vol. 112, issue 33, p6, 85, New York; 12 Aug 2000, [full text] ProQuest [online] retrieved 12.09.2002].

Examiner:

Date: